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For-UP 2-23-04
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In re Application of
Edvard SMITH et al
Serial No.: 09/874,270
Filed: June 6, 2001
Attorney Docket No.: 1506-1049-1

Decision on Petition

This is in response to applicants' "Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment" filed on May 23, 2003. The delay is regretted.

On September 3, 2002, an Office action was mailed. On May 6, 2003, a Notice of Abandonment for failure to timely file a response was mailed. On May 23, 2003, the present petition was filed. Applicants assert that a response was timely filed with the Office. The petition was accompanied with a copy of the postcard receipt bears the U.S. PTO OIPE stamp of October 1, 2002, and a copy of the complete response which was previously filed on October 1, 2003.

Applicants' statement and evidence show that a amendment was timely filed with the Office on October 1, 2002 in response to the office action mailed September 3, 2002. Accordingly, the petition is Granted.

The application has been returned to pending status. The amendment previously filed October 1, 2002 will be entered and the application will be forwarded to examiner for consideration.

Petition GRANTED.

Should there be any questions with respect to this decision, please contact Cecilia Tsang, by mail addressed to: Director, Technology Center 1600, Alexandria, VA 22313-1450, or by telephone at (703) 308-0254 or by facsimile transmission at (703) 305-7230.

Cecilia Tsang
John Doll

Director, Technology Center 1600